

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:17CR424
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	<u>APPLICATION FOR, AND FACTUAL</u>
)	<u>ALLEGATIONS IN SUPPORT OF</u>
WISAM R. RIZK,)	<u>JUDICIAL ORDER OF REMOVAL</u>
)	
Defendant.)	

The United States of America hereby moves for the entry of an Order of Judicial Removal, and Notice is hereby given to Defendant Wisam R. Rizk and to his attorney of record, Richard H. Blake, that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant, Wisam R. Rizk (Alien Identification Number 097 111 010) is not a citizen or national of the United States.
2. The defendant is a native of Lebanon and a citizen of Austria.
3. The defendant was admitted to the United States as an H1-B non-immigrant at Newark, New Jersey, on or about September 24, 2004.
4. The defendant adjusted his status to that of a lawful permanent resident E-37 on March 31, 2005.

5. At the time of sentencing in the instant criminal proceeding, the defendant will have been convicted in the United States District Court, for the Northern District of Ohio, Eastern Division, under Counts 1, 21, and 29 of the Indictment, which charges the defendant with conspiracy to commit wire fraud and honest services wire fraud, in violation of Title 18, United States Code, Section 1349; wire fraud and honest services wire fraud, in violation of Title 18, United States Code, Sections 1343, 1346 and 2; and making false statements, in violation of Title 18, United States Code, Section 1001(a)(2) and (a)(3), all in the above-captioned case.
6. The maximum sentence for a violation of conspiracy to commit wire fraud and honest services wire fraud, in violation of Title 18, United States Code, Section 1349; and for wire fraud and honest services wire fraud, in violation of Title 18, United States Code, Sections 1343, 1346 and 2, is 20 years' imprisonment.
7. The maximum sentence for a violation of making false statements, in violation of Title 18, United States Code, Section 1001(a)(2) and (a)(3), is 5 years' imprisonment.

The defendant is, and at sentencing will be, subject to removal from the United States pursuant to: 8 U.S.C. 1227(a)(2)(A)(iii) [part of the Immigration and Nationality Act], in that at any time after entry, the defendant will have been convicted of aggravated felonies as described in 8 U.S.C. 1101(a)(43)(U), (M)(i), and (S), specifically, a conspiracy to commit an offense involving fraud or deceit resulting in a loss to the victims in excess of \$10,000, an offense

involving fraud or deceit resulting in a loss to the victims in excess of \$10,000, and an offense relating to obstruction of justice for which the term of imprisonment is at least one year.

WHEREFORE, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to Austria. A proposed Order, Defendant's Plea Statement in Support of Judicial Removal, and the Concurrence of United States Immigration and Customs Enforcement are all included with this Application.

Respectfully submitted,

JUSTIN E. HERDMAN
UNITED STATES ATTORNEY

By: /s/ Rebecca C. Lutzko
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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, a copy of the foregoing was filed with the Court. A copy of this filing will be sent by operation of the Court's electronic filing system to all counsel of record.

/s/ Rebecca C. Lutzko
Rebecca C. Lutzko
Assistant U.S. Attorney